

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Stewart Allotment
Grazing Permit

Determination of NEPA Adequacy
DOI-BLM-MT-C020-2013-0070-DNA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



DATE POSTED: January 29, 2013

DATE DUE: February 12, 2013

Worksheet
Documentation of NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

BLM Office: Miles City

NEPA Number: DOI-BLM-MT-C020-2013-0070-DNA

Case File/Project No: GR 2503836

Proposed Action Title/Type: 130128_Stewart Allot Grazing Permit Renewal

Location/Legal Description: Carter Co.

T. 8 S., R. 61 E. Section 34 (part), 35 (part)

T. 9 S., R. 61 E. Section 2 (part), 3 (part), 10 (part), 11 (part), 12 (part), 13 (part), 14 (all), 15 (part)

T. 9 S., R. 62 E. Section 18 (part)

A: Description of the Proposed Action:

Ensure the allotment continues to meet Land Health Standards and issue a grazing permit to the applicant. The term of the BLM grazing permit would be from March 1, 2013 - February 28, 2016. The permit would be issued as follows:

GR 2503836

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Stewart Allotment No. 10736							
Home Base	4	Cattle	03/01	02/28	100	Custodial	52
Breaks	150	Cattle	06/01	09/08	86	Active	424
	1	Cattle	06/01	07/31	86	Active	2

Total Active AUMs: 478

Terms and Conditions:

Line 1: Grazing is authorized during the listed season for the recognized capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted.

Line 2: Grazing is on a season and numbers.

Line 3: Is only to authorize the full preference.

Applicant: Cliff Conry and Cris Miller

County: Carter

DNA Originator: Dawn Doran

B. Land Use Plan (LUP) Conformance

LUP Name* Powder River RMP Date Approved 1985

Other document** _____ Date Approved _____

Other document** _____ Date Approved _____

**List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)*

☐ The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

☒ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) This proposed action is in accordance with the Powder River RMP Record of Decision approved in 1985, as amended by the Standard for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997. The Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD states on page 12 "Terms and conditions are a tool to achieve resource conditions in the standard". The Powder River RMP Record of Decision (page 1) states that Appendix E- Allotment Summaries and Utilization Computation of the Final Environmental Impact statement (pages 315-332) are included within the Record of Decision. This appendix includes the allotments that are allocated grazing use.

C. Identify applicable National Environmental Policy Act (NEPA) document(s) and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

[Stewart Allotment 10736 Transfer 2010 #MT-C020-2010-0173-EA](#)

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation and monitoring report).

Standards for Rangeland Health Assessment 2001

Cultural Report MT-020-10-175

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial? *Yes, the proposed action is the same as the proposed action in the Stewart Allotment 10736 Transfer 2010 #MT-C020-2010-0173-EA. The Stewart Allotment 10736 Transfer 2010 EA addressed issuing a grazing permit for the same allotment with the same grazing dates.*

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, resource values? *Yes, the Stewart Allotment 10736 Transfer 2010 #MT-C020-2010-0173-EA analyzed the proposed action and considered a No Action alternative. Those alternatives are appropriate because this is a non-controversial grazing permit.*

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstance would not substantially change the analysis of the new proposed action? *Yes, the existing analysis is adequate. There is no new information available.*

4. Are the direct, indirect and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document? *Yes, the impacts analyzed in the Stewart Allotment 10736 Transfer 2010 #MT-C020-2010-0173-EA are the same as for the current proposed action. The Stewart Allotment 10736 Transfer 2010 #MT-C020-2010-0173-EA analyzed site specific impacts on the same allotment as the proposed action. The cumulative impacts are unchanged from those identified in the Stewart Allotment 10736 Transfer 2010 #MT-C020-2010-0173-EA.*

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action? *Yes, the public and interagency review of the existing NEPA document is adequate for the current proposed action.*

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>	<u>Initials & Date</u>
Bobby Baker	Wildlife Biologist	Wildlife	3/4/13 BJB
Reyer Rens	Supervisory RMS	Review	RR 3/20/2013


Environmental Coordinator

3/27/2013
Date

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

CONCLUSION

☒ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked



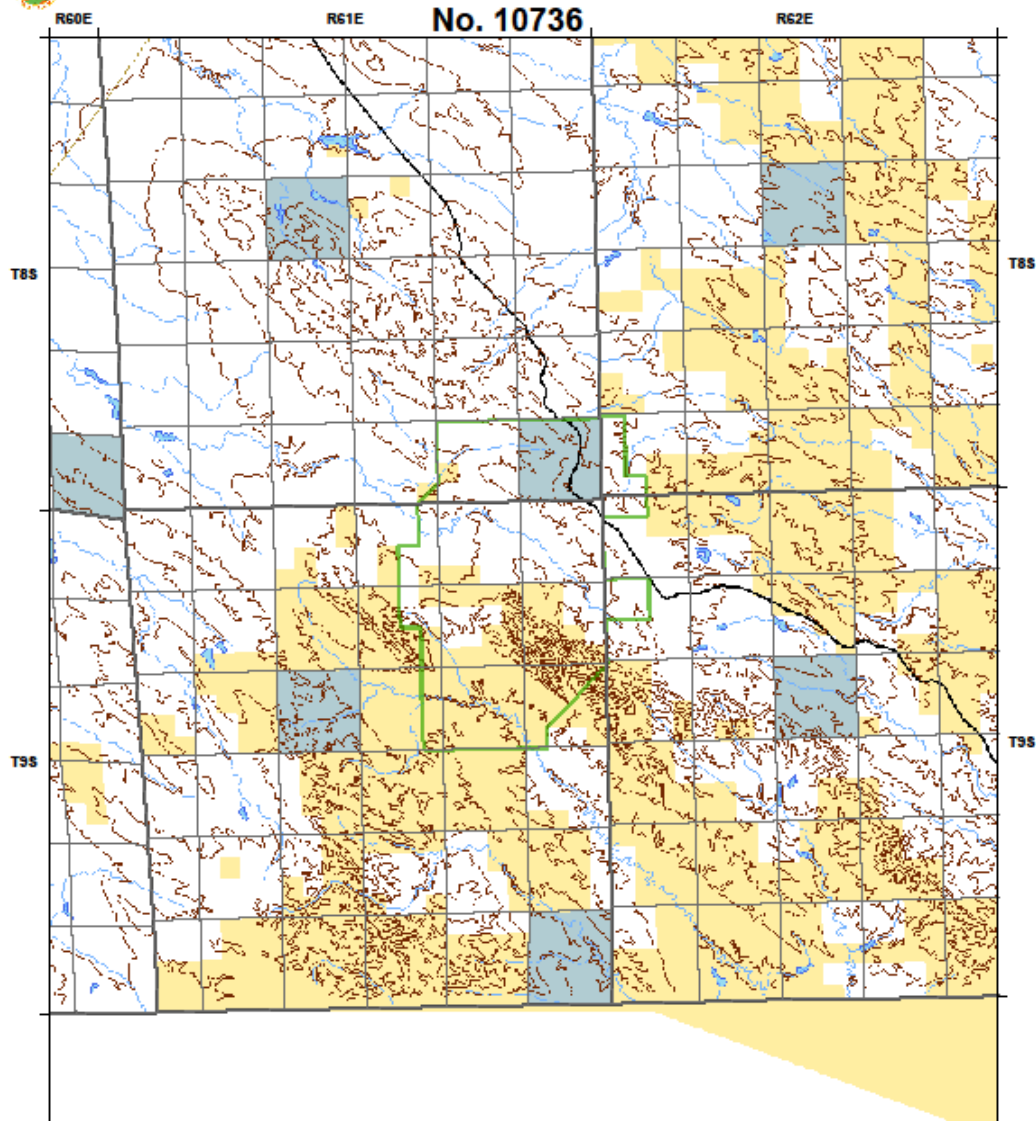
Todd D. Yeager
Field Manager
Miles City Field Office

3/27/2013

Date





Stewart Allotment No. 10736



4/06/2010

No warranty is made by the Bureau of Land Management
for the use of the data for purposes not intended by the BLM.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE

 <all other values>  BLM  STATE
PRI

1:100,000

0 0.5 1 2 3 Miles



CAUTION:
Land ownership data is derived from less
accurate data than the 1:24000 scale base
map. Therefore, land ownership may not be
shown for parcels smaller than 40 acres, and
land ownership lines may have plotting errors
due to source data.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-7000

www.blm.gov/mt

In Reply Refer To:

4100 (4160.1)

GR 2503836

April 9, 2013

Certified Mail No: 70113500000345171701

Return Receipt Requested

Cliff Conry & Cris Miller

10558 Sourdough Rd

Belle Fourche, South Dakota 57717

NOTICE OF PROPOSED DECISION

BACKGROUND

The Stewart Allotment No. 10736 is located approximately 13 miles northeast of Alzada, in Carter County, Montana. The Stewart Allotment consists of 2,380 acres of BLM managed lands, 2,881 acres of private lands, and 640 acres of state land. The BLM administered acreage on the Stewart Allotment has 478 AUMs of active use.

In January 2013, Cliff Conry and Cris Miller submitted a base property lease renewal to the Miles City Field Office for the Stewart Allotment. The appropriate grazing application forms are on file.

In January 2013, a Miles City Field Office BLM interdisciplinary team initiated a Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA) (DOI-BLM-MT-C020-2013-0070-DNA) to analyze the issuance of the BLM grazing permit and evaluated whether there was adequate existing NEPA. The proposed action listed that the total active use for the Stewart Allotment would be 478 AUMs active use. It was found that there was adequate NEPA documentation for this action. The DNA was signed on March 27, 2013.

PROPOSED DECISION

It is my proposed decision to issue a grazing permit, which authorizes the grazing of the Stewart Allotment No. 10736 as follows. The term of the BLM grazing permit would be from March 1, 2013 - February 28, 2016. The permit would be issued as follows:

GR 2503836

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
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RATIONALE

Existing information indicates this allotment is meeting the Standards for Rangeland Health (43 CFR 4180); the grazing permit should be issued under the direction of 43 CFR. A base property lease renewal was submitted to the Miles City Field Office. All required grazing application forms are on file.

The BLM determined that Cliff Conry and Cris Miller are current permittees and have a satisfactory record. The issuance of the grazing permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

In January 2013, a Miles City Field Office BLM interdisciplinary team initiated a Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA) (DOI-BLM-MT-C020-2013-0070-DNA) to analyze the issuance of the BLM grazing permit and evaluated whether there was adequate existing NEPA. The proposed action listed that the total active use for the Stewart Allotment would be 478 AUMs active use. It was found that there was adequate NEPA documentation for this action. The DNA was signed on March 27, 2013.

AUTHORITY

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications

§4110.2-1 Base property.

§4110.2-2 Specifying permitted use.

§4130.2 Grazing permits or leases

§4120.2 Allotment management plans and resource activity plans.

§4120.3–2 Cooperative range improvement agreements.

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions

§4130.3-3 Modification of permits and leases

§4160.1 Proposed decisions

§4160.2 Protests

§4160.3 Final decisions

§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed two copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the authorized officer, you will be provided with a signed copy for your records.

Also enclosed is a copy of your BLM allotment map. Review the enclosed map and notify this office of any inaccuracies. Please mark fenceline locations and return the edited map to the office.

If you have any questions on this document, please contact Dawn Doran, Rangeland Management Specialist at 406-233-2833.

Sincerely,



Todd D. Yeager
Field Manager

Enclosed:

- 1) BLM Grazing Permit (2 copies: please sign and return to the Miles City Field Office)

Doran:lrn:4/9/13:Conry&Miller_Decision_Letter_Doran_2013